



Eric Holcomb, Governor
State of Indiana

Office of General Counsel
402 W. WASHINGTON STREET, ROOM W451, MS27
INDIANAPOLIS, IN 46204-2744

May 24, 2019

VIA ELECTRONIC MAIL ONLY

Beryl Lipton

Email: 74011-42018509@requests.muckrock.com

Re: Public Records Request

Dear Beryl Lipton,

We received your request for the following public records pursuant to Indiana Code § 5-14-3 *et seq.*:

Copies of materials related to any predictive or automated analysis software and algorithms used by Indiana Family and Social Services Administration (FSSA) in the performance of its responsibilities. Please include the following:

1. The software and algorithm used in the Eckerd Rapid Safety Feedback Software.
2. Any software and algorithms developed for the implementation of the program that have a public policy outcome.
3. Any software that was developed by or with, given to, used by, purchases or licensed to FSSA for implementation of the above referenced program. Including original source code, any compiled binaries (also known as executables), spreadsheets, program scripts, the input training data for machine learning algorithms, and other digital materials used to calculate any data in the above program. Please also provide any description of input and output data fields that capture the type of information that is submitted to the software and that is produced by the software.
4. Any and all contracts (including related amendments and exhibits), non-disclosure agreements, liability waivers, insurance agreements, Requests for Proposals, responses to Requests for Proposal, Memorandums of Understanding, Letters of Interest, and informal agreements that reference "the software" or otherwise guide its use or the relationship between this agency and the provider or developer of the software.
5. All instructional materials, presentations and presentation materials (including recorded video and audio, PowerPoint files, prepared remarks, and slides formats), and other guidance on the use of "the software." This includes any notes taking during meetings that discussed the use of the software, any explanations (whether internally or externally



generated) of how the software works, and any other document that has been used to help explain the use of "the software" to any party, including internal documentation, public relations materials, and executive summaries.

6. A copy of any privacy impact assessments, validation studies, reports to legislative bodies, annual reports that mention the use of the Software, as well as audit records (including but not limited to security audits of the software, misuse reports, and reports to oversight bodies), and other evaluations that reference "the software," otherwise pertain to its use, or were conducted with respect to the program or with respect to any software or algorithms used in connection with the program. In addition to a copy of any validation studies, please also provide any records pertaining to inquiries for the need of validation studies or discussion of validation studies (potential or actual).
7. A copy of any usage policies, data retention policies, legal opinions, warranties, standard operating procedures, and other guiding materials that reference "the software" or otherwise pertain to its use.
8. A copy of any invoices, financial records, funding opportunity announcements, grant applications and grantor status/progress reports that reference "the software" or otherwise pertain to its use.
9. For the aspects of the software that require an input (for example, to compute a value), we request a copy of the five most recent sets of data that were used for input, as well as the five most recent outputs of the software, in whatever their native format is.

Please accept this letter as an acknowledgement of receipt of your request under Indiana Code § 5-14-3-9. We will process your request for records as quickly as possible. Please be advised that if your requests relates to correspondence, Indiana's Public Access Counselor has stated that these are generally the most time-intensive public records searches. The Public Access Counselor has indicated that up to 90% of correspondence could contain deliberative materials which may be withheld pursuant to state statute, and although we process records requests as promptly as we are able given the office workload, review for deliberative materials does take time. As we currently have several other open public records requests at this time, we appreciate your patience in advance as we work to complete your request.

Indiana Family and Social Services Administration charges for providing records when the cost of producing the requested records is \$1,000 or more. *See* Indiana Code § § 5-14-3-2, 6(c), and 8 regarding allowable charges under the Access to Public Records Act. Once we know what records are available in response to your request, we will notify you of any charges prior to sending you the records.

The Indiana General Assembly has provided public agencies discretion as to whether to disclose certain records under Indiana Code § 5-14-3-4(b). We will make requested disclosable records available on a case by case basis as permitted by statute. If we deny disclosure of a record or records, we will cite the specific exemption that authorizes our office to withhold a specific record pursuant to Indiana Code § 5-14-3-9(d).

Sincerely,

APRA Coordinator
Family & Social Services Administration